

Hon. Jamal Whitehead

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT BENSHOOF,

Plaintiff,

v.

MOSHE ADMON, et al.,

Defendants.

No.: 2:23-cv-01392-JNW

**DECLARATION OF KURT A.
BENSHOOF IN SUPPORT OF
DENYING SEATTLE'S MOTION
FOR A VEXATIOUS LITIGANT
ORDER AGAINST PLAINTIFF**

I, KURT BENSHOOF, declare as follows:

1. I am over the age of 18 and I am competent to testify as to the matters stated herein. I am the Plaintiff in this case.
2. During the course of this litigation, I spoke with Counsel for the City of Seattle ("City") in this case, DALLAS LEPIERRE, over the phone multiple times.
3. DALLAS LEPIERRE offered to waive service on behalf of the City's clients multiple times.
4. I did not refuse all such offers to waive service.
5. I had already served all City officials in their official capacities via the City's online email service address.
6. I informed DALLAS LEPIERRE that he could only offer to waive service on City officials in their official capacities.

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- 1 7. During one of my phone conversations with DALLAS LEPIERRE, I informed
2 DALLAS LEPIERRE that DALLAS LEPIERRE would be committing
3 misappropriation of public funds, which is a class B felony; and that I would be
4 an accomplice to that if I partook in his offer to accept service on behalf of the
5 individual capacity defendants.
6
7 8. On January 4, 2024, I motioned for an order for US Marshal service (Dkt. 51).
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9 9. Presiding Judge Whitehead did not rule on the motion until June 28, 2024 (Dkt.
10 245).
11
12 10. Because of the delay in Judge Whitehead's order, I had no choice but to incur
13 great expense on my credit card in order to serve the defendants by publication.
14
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18 I declare under penalty of perjury that the foregoing is true and correct.

19
20 RESPECTFULLY SUBMITTED,

21
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23
24 

25 Kurt Benshoof, Plaintiff *pro se*
26 1716 N 128th Street
27 Seattle, WA 98133
28 **King County Correctional Facility – Seattle¹**
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32 Email: kurtbenshoof1@gmail.com
33 [no access to internet/email]
34
35

¹ Subject to change without notice, mail delivery [send/receive] not guaranteed.

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1 The foregoing statements of fact were typed up by the undersigned, upon Mr. Kurt
2 Benshoof's request and to the best of the undersigned's understanding.²
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4
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6 Signature: _____

7 /URVE MAGGITI /
8 urve.maggitti@gmail.com
9

Date: _____

October 10, 2024

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² See *Faretta v. California* and Section 35 of the **Judiciary Act of 1789, 1 Stat. 73, 92**
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AFFIDAVIT

The foregoing were typed up by the undersigned, upon Mr. Benshoof's request and to the best of the undersigned's understanding.³

Federal and State Constitutions require that criminal prosecutions conform to prevailing notions of fundamental fairness and that criminal defendants be given a meaningful opportunity to present a complete defense. *State v. Wittenbarger*, 124 Wn.2d 467, 474-75, 880 P.2d 517 (1994).

Mr. Benshoof has been denied not only *meaningful opportunity* to present a *complete defense* in the malicious criminal prosecution and persecution brought against Mr. Benshoof, it is a FACT that Mr. Benshoof has been denied the most essential, elemental and basic resources to even attempt to present defense: access to pen, paper, computer, internet, email, and majority of the discovery.⁴

In 1975 in *Faretta v. California*, United States Supreme Court acknowledges an established historical fact: "Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92, enacted by the First Congress and signed by President Washington one day before the Sixth Amendment *813 was proposed, provided that 'in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of such counsel . . . ' The right is currently codified in 28 U.S.C. s 1654."⁵

The Court quoted from Section 35 of the **Judiciary Act of 1789, 1 Stat. 73, 92** which states as follows:

"SEC. 35. And be it further enacted, **That in all courts** of the United States, the **parties may plead and manage their own causes personally or by assistance of such counsel or attorneys at law**"⁶

Judiciary Act of 1789 was passed before ratification of the Sixth Amendment in the Bill of Rights in 1791. The drafters of the Sixth Amendment had deliberately removed the word *attorneys at law* from the Sixth Amendment, and substantially amended the language to read: "*right to have the Assistance of Counsel.*"

Signature: _____

Date: October 10, 2024

/URVE MAGGITI / urve.maggitti@gmail.com

³ See *Faretta v. California* and Section 35 of the **Judiciary Act of 1789, 1 Stat. 73, 92**

⁴ Mr. Benshoof was provided few photocopies of the incident reports, from the Seattle Police Department which responded to Jessica Owen's and Magalie Lerman's calls, and police reports of three visits to Mr. Benshoof's home.

⁵ *Faretta v. California*, 422 U.S. 806, 812-13, 95 S. Ct. 2525, 2530, 45 L. Ed. 2d 562 (1975)

⁶ "The Judiciary Act; September 24, 1789, 1 Stat. 73. An Act to Establish the Judicial Courts of the United States." "APPROVED , September 24, 1789."

https://avalon.law.yale.edu/18th_century/judiciary_act.asp

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ACKNOWLEDGMENT

AFFIDAVIT

(Verification)

STATE OF PENNSYLVANIA)

COUNTY OF CHESTER)

I, Urve Maggitti, the undersigned Affiant hereto, do hereby declare under penalties of perjury under the laws of the Commonwealth of Pennsylvania and the United States of America, that the foregoing accounting of facts are true and correct to the best of my current knowledge and belief.

I am over the age of 18 years of age, am a resident of the Commonwealth of Pennsylvania, have personal knowledge of the matters of this affidavit, and am capable of making such affidavit.

Pursuant to 28 U.S. Code § 1746 (1) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 10, 2024 /2024.

Signed: *Urve Maggitti*
Urve Maggitti

Notary as JURAT CERTIFICATE

State of Pennsylvania Philadelphia

BEFORE ME personally appeared Urve Maggitti who, being by me first duly sworn, executed the foregoing in my presence and stated to me that the facts alleged therein are true and correct according to her own personal knowledge.

[Signature]
Notary Public,

My commission expires:

08/20/28

Commonwealth of Pennsylvania - Notary Seal
Richard A. Martinez, Notary Public
Philadelphia County
My commission expires August 20, 2028
Commission number 1444107
Member, Pennsylvania Association of Notaries

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CERTIFICATE OF SERVICE

Petitioner hereby certifies that the foregoing motion will be send to all counsel of record by email to the addresses listed below.

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